

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CORNELL CALDWELL, #2220892,

Plaintiff,

v.

WALMART, ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 3:19-CV-02349-X-BK

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith.¹ In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation.² Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would,

¹ See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3).

² See *Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997).

therefore, be frivolous.³ In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit.⁴

IT IS SO ORDERED this 30th day of April 2020.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

³ *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the court certifies an appeal as not taken in good faith.

⁴ See *Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).